

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of A.C. and A.T., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20051151-CA
)	
K.T.,)	F I L E D
)	(February 24, 2006)
Appellant,)	
)	2006 UT App 66
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 451506
The Honorable Kimberly K. Hornak

Attorneys: Colleen K. Coebergh, Salt Lake City, for Appellant
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake
City, for Appellee
Martha Pierce and Kristin L. Fadel, Salt Lake City,
Guardians Ad Litem

Before Judges Billings, Davis, and Thorne.

PER CURIAM:

K.T. (Mother) appeals the termination of her parental rights. Although Mother's appeal challenges the sufficiency of the evidence supporting termination, she declined to provide a transcript. Mother's counsel filed a certificate stating that "a transcript is not necessary to the Respondent/Appellant's Petition on Appeal" and "no transcript is being requested."

Rule 54(a) of the Utah Rules of Appellate Procedure, pertaining to child welfare appeals, states that

Within four days after filing the notice of appeal, appellant shall request from the appeals clerk in the juvenile court a transcript of such parts of the proceedings as appellant deems necessary for purposes of

the appeal. If appellant intends to urge on appeal that a finding or conclusion is unsupported by or contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to such finding or conclusion. Neither the court nor the appellee is obligated to correct appellant's deficiencies in providing the relevant portions of the transcript.

Utah R. App. P. 54(a) (emphasis added.) Because no transcript of the evidence was provided by Mother, "we assume that the proceedings at the trial were regular and proper and that the judgment was supported by competent and sufficient evidence." Bevan v. J.H. Constr. Co., 669 P.2d 442, 443 (Utah 1983).

Mother also claims that the juvenile court erred in failing to admit testimony from the foster father that he attended Alcoholics Anonymous (AA) meetings that Mother also attended. The juvenile court granted the State's objection, ruling that the testimony was not relevant. Because the court rejected Mother's argument that her participation in AA satisfied the service plan's requirement that she complete residential drug treatment, the proffered testimony was not relevant. In addition, Mother and additional witnesses testified regarding her attendance at AA meetings and her progress in the program, making the proffered testimony cumulative.

Mother's final claim is that the juvenile court erred in concluding that the State provided reasonable reunification efforts. The claim presents a mixed question of fact and law. See In re A.C., 2004 UT App 255, ¶9, 97 P.3d 706; In re M.C., 2003 UT App 429, ¶16, 82 P.3d 1159. We "review the juvenile court's factual findings for clear error and its conclusions of law for correctness, affording the court some discretion in applying the law to the facts." In re M.C., 2003 UT App 429 at ¶16. "[T]he trial court has broad discretion in determining whether DCFS [has] made reasonable efforts at reunification." In re A.C., 2004 UT App 255 at ¶12. In addition, the juvenile court

is in the best position to evaluate the credibility and competence of those who testify regarding the services that were provided, the parent's level of participation in such services, whether the services were properly tailored to remedy the specific problems that led to removal of the child, and whether the parent . . . utilized such services to remedy the problem necessitating the removal.

Id. Because Mother declined to provide a transcript, we must presume that the factual findings are supported by sufficient evidence. Based upon those findings, we conclude the court did not abuse its broad discretion in determining that the State made reasonable efforts at reunification.

We affirm the decision to terminate parental rights.

Judith M. Billings, Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge